

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	CR. NO. 2:06-cr-200-WHA
)	
HECTOR R. SILVA)	

**United States' Unopposed Motion for Continuance of Suppression Hearing
and Extension of Time to File Response to Motion to Suppress**

The United States respectfully moves the Court to grant a brief continuance for the Suppression Hearing already scheduled in this case. Additionally, the Government requests a brief extension of time to file its response to Defendant Hector Silva's Motion to Suppress.¹

The United States requests this relief for the following reasons:

1. A Suppression Hearing is set in this matter for November 28, 2006, at 2:00 p.m. The Government's deadline to file a response to Silva's Motion to Suppress is November 20, 2006.

2. The Government has been informed that a critical witness for this hearing, Special Agent Joe Herman, is either the case agent for or is a testifying witness for two cases currently scheduled on Judge Fuller's November 27, 2006, trial term: *United States v. Terrence Cornelius*, 06cr12-MEF, and *United States v. Santo Coleman*, 06cr215-MEF. Moreover, Agent Herman has a previously scheduled final exam for his Masters Degree on November 28, 2006, at Troy University, Troy, Alabama. Agent Herman's testimony is

¹ Doc. #65.

necessary for the alleged *Miranda* issue in Silva's Motion. No suitable substitute can stand in for him.

3. Furthermore, the Government has been negotiating in good faith with Silva's counsel, Matt Teague. Despite Mr. Teague's diligence in pursuing a plea, his busy trial schedule along with language difficulties with his client, however, have slowed slightly the progress of a plea. Based on the conversations that have been conducted thus far, the Government believes that a plea in this case is a strong possibility.

4. A continuance of the suppression hearing in this case for no more than one week and extension of no more than two days for the Government to file a response (1) would aid negotiations and (2) could save the Court resources if a plea is reached. Moreover, such a continuance will allow the Government to prepare properly its response and to have Agent Herman available should plea negotiations fail. The extension of time and continuance, thus, are not for unwarranted delay.

5. Finally, AUSA Snyder has conferred with Mr. Teague about these requests, and he has stated that he does not oppose these requests.

Based on the facts stated above, the United States respectfully requests that the Court grant a continuance of a week for the Suppression Hearing, and a continuance of two days to file a response to Silva's Motion to Suppress in this matter.

Respectfully submitted this 20th day of November, 2006.

LEURA G. CANARY
UNITED STATES ATTORNEY

/s/ Christopher Snyder

CHRISTOPHER A. SNYDER
Assistant United States Attorney
One Court Square, Suite 201
Montgomery, AL 36104
Phone: (334)223-7280
Fax: (334)223-7135
E-mail: christopher.a.snyder@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on November 20, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following: Matt Teague.

/s/ Christopher Snyder

CHRISTOPHER A. SNYDER
Assistant United States Attorney